

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ENIO RIVERA and MICHAEL TALTON,

Plaintiffs,

v.

ROCHESTER GENESEE REGIONAL
TRANSPORTATION AUTHORITY,

Defendant.

**NOTICE OF MOTION AND
MOTION TO CONSOLIDATE
ACTIONS AND SEVER
TRIALS PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 42**

Index No. 07-cv-06483

PLEASE TAKE NOTICE, that upon the Attorney Affirmation of Scott Piper, sworn to on June 6, 2014, and all the Exhibits and papers appended thereto, the Defendant Rochester Genesee Regional Transportation Authority (“RGRTA”), by and through its attorneys, will move this Court at a date and time to be determined by the Court, at the United States Courthouse, 100 State Street, Rochester New York 14608, for an Order pursuant to Federal Rule of Civil Procedure 42: (1) consolidating the claims of Plaintiff Michael Talton in the above-referenced action, with those pleaded in another action pending in the United States District Court for the Western District of New York and assigned Civil Action Number 12-cv-06616; and (2) severing the trial of Plaintiff Michael Talton’s claims from those of Plaintiff Enio Rivera. The bases for RGRTA’s Motion are (1) that the consolidation of Plaintiff Talton’s claims will facilitate their consistent resolution by trial and/or alternative dispute resolution; and (2) that the severing of the respective Plaintiffs’ claims for trial will substantially diminish the prospect of jury confusion and/or prejudice to any party.

PLEASE TAKE FURTHER NOTICE, that RGRTA intends to file reply papers to any answering affidavits and memoranda in opposition to this Motion or any part thereof; and that in the absence of any briefing schedule as the Court may otherwise provide, pursuant to Local Rule of

Civil Procedure 7(b)(2)(B), such answering papers are to be served and filed within fourteen days after the filing of this Motion; and the aforementioned reply papers are to be served and filed within seven days after the filing of any answering papers.

Dated: Pittsford, New York
June 6, 2014

HARRIS BEACH PLLC

s/ Scott D. Piper

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